UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT
95 Seventh Street
San Francisco, CA 94103

APPLICATION FOR LEAVE TO FILE SECOND OR SUCCESSIVE PETITION or MOTION UNDER 28 U.S.C. § 2254 OR § 2255

Docket Number ____________________ (to be provided by court)

Petitioner's name ___________________________________

Prisoner registration number _______________________

Address _________________________
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Instructions - Read Carefully

1. This application, whether handwritten or typewritten, must be legible and signed by the petitioner under penalty of perjury. An original and five (5) copies must be provided to the Clerk of the Ninth Circuit. The application must comply with 9th Circuit Rule 22-3, which is attached to this form.

2. All questions must be answered concisely and in relationship to the questioned asked on this form. You may attach extra pages if needed.

3. The petitioner **shall** serve a copy of this application and any attachments on respondent and must complete and file a proof of service with this application.

4. The petitioner **shall** attach to this application copies of the magistrate judge's report and recommendation and the district court's opinion in any prior federal habeas proceeding under 28 U.S.C. § 2254 or § 2255 or state why such documents are unavailable to petitioner.

You Must Answer the Following Questions:

(1) What conviction(s) are you challenging?

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(2) In what court(s) were you convicted of these crime(s)?

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(3) What was the date of each of your conviction(s) and what is the length of each sentence?

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For questions (4) through (9), provide information separately for each of your previous section 2254 or 2255 proceedings. Use additional pages if necessary.

(4) With respect to **each** conviction and sentence, have you ever filed a petition or motion for habeas corpus relief in federal court under 28 U.S.C. § 2254 or § 2255? Yes ☐ No ☐

(a) In which federal district court did you file a petition or motion?

____

(b) What was the docket number? ________________________________

(c) On what date did you file the petition/motion? ______________________

(5) What grounds were raised in your previous habeas proceeding? (list all grounds and issues previously raised in that petition/motion)

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(6) Did the district court hold an evidentiary hearing? Yes ☐ No ☐

(7) How did the district court rule on your petition/motion?

☐ District court **dismissed** petition/motion,
if yes, on what grounds? ______________________________________

☐ District court **denied** petition/motion;

☐ District court **granted** relief;
if yes, on what claims and what was the relief?
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(attach copies of all reports and orders issued by the district court)

(8) On what date did the district court decide your petition/motion?
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(9) Did you file an appeal from that disposition? Yes ☐ No ☐

(a) What was the docket number of your appeal? ______________________

(b) How did the court of appeals decide your appeal? __________________

(10) State concisely each and every ground or issue you wish to raise in your current petition or motion for habeas relief. Summarize briefly the facts supporting each ground or issue.
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(11) For each ground raised, was it raised in the state courts? If so, what did the state courts rule and when?

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(12) For each ground/issue raised, was this claim raised in any prior federal petition/motion? (list each ground separately)

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(13) For each ground/issue raised, does this claim rely on a new rule of constitutional law? (list each ground separately and give case name and citation for each new rule of law)

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(14) For each ground/issue raised, does this claim rely on newly discovered evidence? What is the evidence and when did you discover it? Why has this newly discovered evidence not been previously available to you? (list each ground separately)

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(15) For each ground/issue raised, does the newly discovered evidence establish your innocence? How?

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(16) For each ground/issue raised, does the newly discovered evidence establish a federal constitutional error? Which provision of the Constitution was violated and how?

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(17) Provide any other basis for your application not previously stated.

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Signature: ____________________________ Date: _________________

Proof of Service on Respondent MUST be Attached.